

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

STATE OF MARYLAND

v.

BOISEY NEAL

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Case No.: K-07-1393

**STATE'S OPPOSITION TO DEFENDANT'S
MOTION FOR MODIFICATION OF SENTENCE**

Now comes the State, by and through Michael J. Dunty, Assistant State's Attorney for Anne Arundel County, and respectfully requests this Honorable Court to deny the Defendant's Motion, and for cause states:

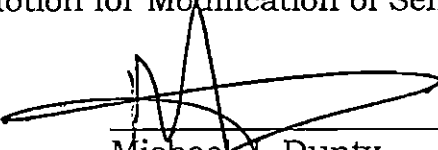
1. The Defendant was sentenced on March 28, 2008 in the above-captioned case;
2. The Defendant filed a "Motion for Modification of Sentence" on January 2, 2014. The authority cited by the Defendant in his motion is Maryland Rule 4-345(e)(b). The State presumes the Defendant is relying upon Maryland Rule 4-345(e)(1)(B);
3. Maryland Rule 4-345(e)(1) imposes a requirement that any motion be filed within 90 days after imposition of a sentence;
4. The Defendant's Motion for Modification of Sentence has been filed untimely;
5. Furthermore, the Defendant has filed a previous Motion for Modification of Sentence which was denied on August 8, 2012;
6. That it is not in the interest of justice to modify or reduce the Defendant's sentence.

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7. That the sentence was just and proper and no reason exists that would support the request for reconsideration of sentence.

WHEREFORE, the State respectfully requests this Honorable Court deny the Defendant's Motion for Modification of Sentence.



Michael J. Dunty
Assistant State's Attorney
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Annapolis, Maryland 21401
(410) 222-1740
(410) 222-1196 – fax

POINTS and AUTHORITIES

Maryland Rule 4-345

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 7th of January, 2014 a copy of the foregoing Answer was mailed, postage prepaid, to:

Boisey Neal
ID #349-871
MCTC
18800 Roxbury Road
Hagerstown, MD 21746



Michael J. Dunty
Assistant State's Attorney